

DOCKET NO. 2004-126-E

**MOTION TO COMPEL
AND
MOTION FOR CONTINUANCE OF HEARING**

2. The Commission's motion directs the parties to "begin their discovery and discussions so that this contract proceeding can be completed as soon as possible." It further

orders SCE&G "to provide the parties, pursuant to appropriate protective agreements if necessary, all contracts and agreements that have been executed among the participants to this transaction and which deal with the supply of gas to the Jasper facility." Finally, the Commission reminded the parties that "these matters should be handled in such a manner that all parties are properly and fairly afforded time to review and examine the documents, data, and issues relevant to proceedings such as this."

3. On May 3, 2004, the Consumer Advocate received the Commission's scheduling letter in the above referenced docket, setting the Company's testimony due on May 11, 2004 and the parties' testimony on May 25, 2004.

4. On May 5, the Consumer Advocate received from the Company eight contracts. The cover letter stated that four remaining contracts and an assignment of one of those contracts would be provided to the parties and filed with the Commission once confidentiality agreements are received. On that same day, after communicating with one of the Company's attorneys, the Consumer Advocate, at 5:20 P.M., e-mailed and faxed to the Company's attorney the confidentiality agreement, including the Consumer Advocate's signature.

5. On May 6, 2004, at 5:00 P.M., the Company delivered to the Consumer Advocate a copy of one contract (Natural Gas Sales Agreement between BG LNG Services, LLC and SEMI dated December 19, 2003) (December 19, 2003 contract). According to the attached cover letter, while the Company filed an unredacted copy with the Commission under seal, the Consumer Advocate and the Staff received, pursuant to a confidentiality agreement, redacted copies of this contract. Due to the redaction, not a single term of the contract was disclosed which prevents any meaningful review of the Jasper plant transaction subject to this docket.

6. Also on May 6, 2004, at 5:04 P.M., the Consumer Advocate's attorney Hana

Pokorna-Williamson received an e-mail from Catherine D. Taylor, SCE&G's assistant general counsel, stating that the just delivered contract was the only one for which SCE&G requested confidential treatment and that the remaining contracts "are being filed under separate cover." These additional contracts have been delivered late Friday morning.

7. On May 6, 2004, the Consumer Advocate filed his first set of interrogatories. The questions thus far filed do not reflect any potential issues that may arise following the initial analysis of all contracts. At this point, three or more contracts are in the process of delivery and the most crucial contract to the transaction is redacted in a manner that allows for no analysis whatsoever. As additional discovery by the Consumer Advocate will be needed and the issue of disclosing the contracts is pending, it becomes obvious that the discovery may not be completed prior to May 25, 2004 when the Consumer Advocate must prefile his testimony.

8. Therefore, the Consumer Advocate respectfully requests that the Commission issue an order compelling production of the unredacted December 19, 2003 contract and to continue the hearing currently scheduled for June 8, 2004 until such time as the discovery dispute is resolved, and adequate time for discovery has been provided. Testimony pre-filing deadlines would also need to be extended.

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May 7, 2004

CERTIFICATE OF SERVICE

This is to certify that I, Hana Pokorna-Williamson on behalf of Elliott F. Elam, Jr., Acting Consumer Advocate, have served this day the foregoing **Motion to Compel and Motion to Continue** upon the Executive Director of the Commission and the persons named below, at the addresses set forth, by deposit in the United States mail, postage prepaid and by electronic mail.

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May 7, 2004
Columbia, South Carolina